

Message Text

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PAGE 01 STATE 178085

15

ORIGIN EB-11

INFO OCT-01 AF-10 ARA-16 EUR-25 EA-11 NEA-14 ISO-00 L-03

CAB-09 CIAE-00 COME-00 DODE-00 DOTE-00 INR-11 NSAE-00

RSC-01 FAA-00 IO-14 H-03 M-02 SS-20 NSC-07 SCCT-02

SP-03 SY-04 USSS-00 PA-04 USIA-15 PRS-01 AID-20 /207 R

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EB/OA - JSMEADOWS

ARA - MR. LISTER

AF - MR. ROSS

NEA - MR. MONTGOMERY

EA - MR. NETHERCUT

FAA - BSELFON

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R 142140Z AUG 74

FM SECSTATE WASHDC

TO AMEMBASSY ABIDJAN

AMEMBASSY AMMAN

AMEMBASSY ATHENS

AMEMBASSY BANGKOK

AMEMBASSY BEIRUT

AMEMBASSY BELGRADE

AMEMBASSY BERN

AMEMBASSY BOGOTA

AMEMBASSY BONN

AMEMBASSY BRIDGETOWN

AMEMBASSY BRUSSELS

AMEMBASSY BUCHAREST

AMEMBASSY BUENOS AIRES

AMEMBASSY CANBERRA

AMEMBASSY CAIRO

AMEMBASSY CARACAS

AMEMBASSY COPENHAGEN

UNCLASSIFIED

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PAGE 02 STATE 178085

AMEMBASSY GEORGETOWN

AMEMBASSY GUATEMALA
AMEMBASSY HELSINKI
AMEMBASSY ISLAMABAD
AMEMBASSY KINGSTON
AMEMBASSY KINSHASA
AMEMBASSY LAGOS
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY MADRID
AMEMBASSY MANAGUA
AMEMBASSY MANILA
AMEMBASSY MEXICO
AMEMBASSY MOSCOW
AMEMBASSY NAIROBI
AMEMBASSY NASSAU
AMEMBASSY NEW DELHI
AMEMBASSY OSLO
AMEMBASSY OTTAWA
AMEMBASSY PANAMA
AMEMBASSY PARIS
AMEMBASSY PORT AU PRINCE
AMEMBASSY PORT OF SPAIN
AMEMBASSY PRAGUE
AMEMBASSY PRETORIA
AMEMBASSY QUITO
AMEMBASSY REYKJAVIK
AMEMBASSY ROME
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY SANTIAGO
AMEMBASSY SANTO DOMINGO
AMEMBASSY SEOUL
AMEMBASSY STOCKHOLM
AMEMBASSY TAIPEI
AMEMBASSY TEGUCIGALPA
AMEMBASSY TEHRAN
AMEMBASSY TEL AVIV
AMEMBASSY THE HAGUE
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 178085

AMEMBASSY TOKYO
AMEMBASSY VIENNA
AMEMBASSY WARSAW
AMEMBASSY WELLINGTON
INFO AMCONSUL MELBOURNE
AMCONSUL RIO DE JANEIRO
AMCONSUL MONTREAL

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E.O. 11652: N/A

TAGS: ETRN, XX

SUBJECT: CIVAIR - 1974 ANTIHIJACKING ACT

MONTREAL FOR US REP ICAO

1. ON AUG. 5, THE PRESIDENT SIGNED INTO LAW THE ANTI-HIJACKING ACT OF 1974. THIS ACT AMENDS THE 1958 FEDERAL AVIATION ACT TO PROVIDE A MORE EFFECTIVE PROGRAM TO PREVENT AIRCRAFT HIJACKING. SOME OF THE PROVISIONS ARE FOR THE PURPOSE OF IMPLEMENTING THE 1970 HAGUE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT.

2. THE ACT GIVES THE PRESIDENT AUTHORITY TO SUSPEND AIR SERVICE TO ANY FOREIGN NATION THAT PERMITS TERRITORY UNDER ITS JURISDICTION TO BE USED FOR TERRORIST ACTIVITIES OR ACTS IN A MANNER INCONSISTENT WITH THE HAGUE CONVENTION. AIR SERVICE MAY ALSO BE SUSPENDED BETWEEN THE US AND ANY FOREIGN NATION THAT MAINTAINS AIR SERVICE TO AN OFFENDING COUNTRY. THIS SECTION OF THE ACT READS AS FOLLOWS:

"SEC. 1114. (A) WHENEVER THE PRESIDENT DETERMINES THAT A FOREIGN NATION IS ACTING IN A MANNER INCONSISTENT WITH THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF

AIRCRAFT, OR IF HE DETERMINES THAT A FOREIGN NATION PERMITS THE USE OF TERRITORY UNDER ITS JURISDICTION AS A BASE OF OPERATIONS OR TRAINING OR AS A SANCTUARY FOR, OR IN ANY WAY ARMS, AIDS, OR ABETS, ANY TERRORIST ORGANIZA-
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UNCLASSIFIED

PAGE 04 STATE 178085

TION WHICH KNOWINGLY USES THE ILLEGAL SEIZURE OF AIRCRAFT OR THE THREAT THEREOF AS AN INSTRUMENT OF POLICY, HE MAY, WITHOUT NOTICE OR HEARING AND FOR AS LONG AS HE DETERMINES NECESSARY TO ASSURE THE SECURITY OF AIRCRAFT AGAINST UNLAWFUL SEIZURE, SUSPEND (1) THE RIGHT OF ANY AIR CARRIER OR FOREIGN AIR CARRIER TO ENGAGE IN FOREIGN AIR TRANSPORTATION, AND THE RIGHT OF ANY PERSON TO OPERATE AIRCRAFT IN FOREIGN AIR COMMERCE, TO AND FROM THAT FOREIGN NATION, AND (2) THE RIGHT OF ANY FOREIGN AIR CARRIER TO ENGAGE IN FOREIGN AIR TRANSPORTATION, AND THE RIGHT OF ANY FOREIGN PERSON TO OPERATE AIRCRAFT IN FOREIGN AIR COMMERCE, BETWEEN THE UNITED STATES AND ANY FOREIGN NATION WHICH MAINTAINS AIR SERVICE BETWEEN ITSELF AND THAT FOREIGN NATION. NOTWITHSTANDING SECTION 1102 OF THIS ACT, THE PRESIDENT'S AUTHORITY TO SUSPEND RIGHTS

UNDER THIS SECTION SHALL BE DEEMED TO BE A CONDITION TO ANY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OR FOREIGN AIR CARRIER OR FOREIGN AIRCRAFT PERMIT ISSUED BY THE CIVIL AERONAUTICS BOARD AND ANY AIR CARRIER OPERATING CERTIFICATE OR FOREIGN AIR CARRIER OPERATING SPECIFICATION ISSUED BY THE SECRETARY OF TRANSPORTATION.

"(B) IT SHALL BE UNLAWFUL FOR ANY AIR CARRIER OR FOREIGN AIR CARRIER TO ENGAGE IN FOREIGN AIR TRANSPORTATION, OR FOR ANY PERSON TO OPERATE AIRCRAFT IN FOREIGN AIR COMMERCE, IN VIOLATION OF THE SUSPENSION OF RIGHTS BY THE PRESIDENT UNDER THIS SECTION."

IT SHOULD BE NOTED THAT THIS SECTION DOES NOT OPERATE AUTOMATICALLY BUT REQUIRES A PRESIDENTIAL DETERMINATION AND GIVES THE PRESIDENT DISCRETION AS TO IMPLEMENTATION OF STATED MEASURES AND THE LENGTH OF TIME IMPOSED.

3. A NEW SECTION 1115 OF THE FEDERAL AVIATION ACT REQUIRES THAT "(A) NOT LATER THAN 30 DAYS AFTER THE DATE OF ENACTMENT OF THIS SECTION, THE SECRETARY OF STATE SHALL NOTIFY EACH NATION WITH WHICH THE UNITED STATES HAS A BILATERAL AIR TRANSPORT AGREEMENT OR, IN THE ABSENCE OF SUCH AGREEMENT, EACH NATION WHOSE AIRLINE OR AIRLINES HOLD A FOREIGN AIR CARRIER PERMIT OR PERMITS ISSUED PURSUANT TO SECTION 402 OF THIS ACT, OF THE PROVISIONS OF UNCLASSIFIED

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PAGE 05 STATE 178085

SUBSECTION (B) OF THIS SECTION."

4. ACCORDINGLY SINCE THE ADDRESSEE MISSIONS ARE ACCREDITED TO NATIONS ONE OR MORE OF WHOSE AIRLINES HOLD FOREIGN AIR

CARRIER PERMITS UNDER SECTION 402 OF THE FEDERAL AVIATION ACT, THEY ARE REQUESTED TO NOTIFY THE GOVERNMENTS OF THE NEW SECTION 1115 (B) OF THE ACT WHICH READS:

"(B) IN ANY CASE WHERE THE SECRETARY OF TRANSPORTATION, AFTER CONSULTATION WITH THE COMPETENT AERONAUTICAL AUTHORITIES OF A FOREIGN NATION WITH WHICH THE UNITED STATES HAS A BILATERAL AIR TRANSPORT AGREEMENT AND IN ACCORDANCE WITH THE PROVISIONS OF THAT AGREEMENT OR, IN THE ABSENCE OF SUCH AGREEMENT, OF A NATION WHOSE AIRLINE OR AIRLINES HOLD A FOREIGN AIR CARRIER PERMIT OR PERMITS ISSUED PURSUANT TO SECTION 402 OF THIS ACT, FINDS THAT SUCH NATION DOES NOT EFFECTIVELY MAINTAIN AND ADMINISTER SECURITY MEASURES RELATING TO TRANSPORTATION OF PERSONS OR PROPERTY OR MAIL IN FOREIGN AIR TRANSPORTATION THAT ARE EQUAL TO OR ABOVE THE MINIMUM STANDARDS WHICH ARE ESTABLISHED PURSUANT TO THE CONVENTION

ON INTERNATIONAL CIVIL AVIATION, HE SHALL NOTIFY THAT NATION OF SUCH FINDING AND THE STEPS CONSIDERED NECESSARY TO BRING THE SECURITY MEASURES OF THAT NATION TO STANDARDS AT LEAST EQUAL TO THE MINIMUM STANDARDS OF SUCH CONVENTION. IN THE EVENT OF FAILURE OF THAT NATION TO TAKE SUCH STEPS, THE SECRETARY OF TRANSPORTATION, WITH THE APPROVAL OF THE SECRETARY OF STATE, MAY WITHHOLD, REVOKE, OR IMPOSE CONDITIONS ON THE OPERATING AUTHORITY OF THE AIRLINE OR AIRLINES OF THAT NATION."

IT IS TO BE NOTED THAT THIS SECTION REQUIRES ACTION CONSISTENT WITH THE PROVISIONS OF THE APPLICABLE BILATERAL AIR TRANSPORT AGREEMENT AND INVOLVES INTERNATIONAL STANDARDS WHICH HAVE BEEN AGREED IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION. THE SECTION REQUIRES CONSULTATIONS BY THE SECRETARY OF TRANSPORTATION WITH A FOREIGN GOVERNMENT PRIOR TO THE TAKING OF ANY ACTION WITH RESPECT TO THE OPERATING AUTHORITY OF ITS AIRLINES, AND THE FORM AND DURATION OF MEASURES ARE DISCRETIONARY AND UNCLASSIFIED

UNCLASSIFIED

PAGE 06 STATE 178085

REQUIRE THE APPROVAL OF THE SECRETARY OF STATE.

5. INFORM DEPT WHEN FOREIGN GOVERNMENTS NOTIFIED OF SECTION 1115(B) OF FEDERAL AVIATION ACT.
FOR CANBERRA: NAURU AS WELL AS AUSTRALIA SHOULD BE INFORMED.
FOR WELLINGTON: WESTERN SAMOA AS WELL AS NEW ZEALAND SHOULD BE INFORMED. KISSINGER

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Draft Date: 14 AUG 1974
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Decaption Note:
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Disposition Approved on Date:
Disposition Authority: n/a
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